

## H. R. 472.

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IN THE HOUSE OF REPRESENTATIVES,

FEBRUARY 20, 1851.

Ordered to be printed.

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## AMENDMENT

Reported by Mr. SCHENCK, from the minority of the Committee on Naval Affairs, as a substitute for the bill 472, reported by Mr. F. P. Stanton.

1       *Be it enacted by the Senate and House of Represen-*  
2   *tatives of the United States of America in Congress*  
3   *assembled,* That the Secretary of the Navy be, and he is  
4   hereby, authorized and required, immediately after the pas-  
5   sage of this act, to enter into a contract with James B.  
6   Moore, of the State of Ohio, and his associates, for the  
7   transportation of the mails of the United States in steam-  
8   ships, from some definite point, to be selected by the said  
9   contractors, on the Pacific coast, within the State of Cali-  
10   fornia, or the Territory of Oregon, by way of the Sand-  
11   wich Islands, to Shanghai in China, and from thence to  
12   Canton, in China, upon the following terms, to wit;  
13       1. The said contractors shall, on or before the first

14 day of May, in the year eighteen hundred and fifty-six, es-  
15 tablish a regular monthly line of steamships between the  
16 points above designated, to be increased to a semi-monthly  
17 line from and after the first day of May, in the year eigh-  
18 teen hundred and sixty-one, and to be continued until the  
19 first day of May, eighteen hundred and sixty-six.

20       2. The monthly line shall consist of at least four  
21 steamships, three of which shall be of not less than four  
22 thousand tons burden each, and one of not less than fifteen  
23 hundred tons burden; and the semi-monthly line shall con-  
24 sist of the above described vessels, with three additional  
25 steamships, of not less than four thousand tons burden  
26 each; and each and every one of said steamships, of not  
27 less than four thousand tons burden, shall be supplied with  
28 first-rate appropriate steam engines, of not less than twelve  
29 hundred and fifty collective horse power, and the steamship  
30 of fifteen hundred tons burden, with like engines, of not  
31 less than five hundred collective horse power.

32       3. The steamships of not less than four thousand  
33 tons burden, shall be employed between the point which  
34 shall be selected on the Pacific coast, and Shanghai, in  
35 China, in the transportation of the mails; and each one of  
36 said steamships shall make four voyages, out and back  
37 again, in each and every year; and the steamship of fifteen  
38 hundred tons burden, shall be employed between Shanghai

39 and Canton, in China, and shall make at least twelve voy-  
40 ages, out and back again, in each and every year, up to  
41 the first day of May, in the year eighteen hundred and  
42 sixty-one; and from and after that time, said vessels shall  
43 make at least twenty-four voyages, out and back again, in  
44 each and every year.

45       4. One of said steamships, of not less than four thou-  
46 sand tons burden, furnished with all necessary and proper  
47 machinery, engines, apparel, furniture, stores, tackle, boats,  
48 fuel, oil, tallow, provisions, fresh water, anchors, cables, fire  
49 pumps, and other proper means of extinguishing fire, and  
50 whatever else may be necessary and requisite for equipping  
51 said vessel and rendering her efficient for the service con-  
52 tracted to be performed, and also manned and provided with  
53 competent officers and engineers, and a sufficient crew of  
54 seamen, shall leave the point to be selected on the Pacific  
55 coast, not less than once in each and every month, up to  
56 the first day of May, in the year eighteen hundred and  
57 sixty-one, and not less than twice in each and every month,  
58 from and after that time, and proceed with all convenient  
59 speed, direct to the Sandwich Islands, from whence, as  
60 soon as coal and freight, and other supplies can be got on  
61 board, and the requisite repairs to the vessel and her ma-  
62 chinery can be made, said vessel shall proceed as before,  
63 direct to Shanghai, in China; and one of said vessels, of

64 four thousand tons burden, furnished, supplied, officered,  
65 manned, and equipped, as aforesaid, shall leave Shanghai  
66 not less than once in each and every month, up to the first  
67 day of May, eighteen hundred and sixty-one, and not less  
68 than twice in each and every month, from and after that  
69 time, and proceed with all convenient speed, direct to the  
70 Sandwich Islands, from whence, as soon as coal, freight, and  
71 other supplies can be got on board, and the requisite re-  
72 pairs to the vessel and her machinery can be effected, said  
73 vessel shall proceed as before, direct to the point to be se-  
74 lected on the Pacific coast. The steamship of not less  
75 than fifteen hundred tons burden, shall leave Shanghai,  
76 furnished, supplied, officered, manned, and equipped, as  
77 aforesaid, at least once in each and every month, up to the  
78 first day of May, eighteen hundred and sixty-one, and not  
79 less than twice in each and every month, from and after  
80 that time, and proceed with all convenient speed, to Can-  
81 ton, in China; and said vessel shall also leave Canton not  
82 less than once in each and every month, up to the first day  
83 of May, eighteen hundred and sixty-one, and not less than  
84 twice in each and every month, from and after that time,  
85 and proceed with all convenient speed, to Shanghai: *Pro-*  
86 *vided*, That the time of arrival and departure of said ves-  
87 sel from Shanghai, shall be so arranged as to produce no

88 unnecessary delay in the transportation of the mails be-  
89 tween Canton and the United States.

90       5. The model of said steamships shall be selected  
91 and approved by the contractors; but they shall be built  
92 under the direction of a naval constructor, to be selected  
93 by the Secretary of the Navy, and shall be the duty of said  
94 naval constructor to cause said vessels to be so construct-  
95 ed, and of such strength, and their equipments to be so ar-  
96 ranged as to render them convertible, with the least possi-  
97 ble delay and expense, into war steamers of the first class ;  
98 and when each and every one of said steamships shall be  
99 completed as above, the said naval constructor shall give  
100 to the contractors a certificate of such completion, and  
101 also report the same to the Secretary of the Navy, which  
102 certificate or report, shall be conclusive evidence of the  
103 construction, according to the contract, of the vessel or  
104 vessels named in said certificate or report.

105       6. Each and every one of said steamships shall be  
106 commanded by an officer of the Navy of the United States,  
107 not below the grade of lieutenant, and receive on board  
108 three passed midshipmen, to serve as master and watch  
109 officers, to be selected by the said contractors, subject to  
110 the approval and order of the Secretary of the Navy.  
111 The contractors shall also receive and allow to remain  
112 on board of each one of said steamships, any number of

113 Post Office agents, not exceeding two, and carry all di-  
114 plomatic agents of the Government of the United States,  
115 who may be going or returning by said line ; and each  
116 and every one of said officers, post office, and diplomatic  
117 agents shall, in all respects, be accommodated as chief  
118 cabin passengers, without any charge being made for  
119 their passage or accommodations.

120       7. The contractors shall provide on board of each  
121 one of said steamships, such proper and convenient place  
122 of deposit, with a secure lock and key, as may be pre-  
123 scribed by the Postmaster General, for the mails of the  
124 United States, which place of deposit shall, at all times, be  
125 under the control of the proper Post Office agent or agents,  
126 and the mails of the United States shall be conveyed in said  
127 vessels and be delivered and received at each port to  
128 which the said vessels are to proceed, in the performance  
129 of this contract, and at each port or place where the said  
130 mails are to be delivered or received, the agent or agents,  
131 not exceeding two for each vessel, having charge of said  
132 mails shall, as often as the same may be necessary and  
133 proper, be conveyed on shore, and also from the shore to  
134 the steamship, for the time being, in the performance of  
135 this contract, in a safe and suitable boat, to be properly  
136 manned and equipped by the contractors.

137        8. In the event of war, or if in the opinion of the  
138 Secretary of the Navy the good of the naval service may  
139 require it, at any time during the continuance of this con-  
140 tract, the United States shall have full power, and be at  
141 liberty to take and appropriate to the use of the Govern-  
142 ment any one or all of the steamships employed in said  
143 line, upon payment to the contractors, in cash or stocks  
144 of the United States bearing interest at the rate of six  
145 per centum per annum, of the full value of the ship or ships  
146 so taken, to be determined by two arbitrators, one to be  
147 chosen by the Secretary of the Navy, and the other by  
148 the contractors, and if the said arbitrators shall not agree  
149 in the matter referred to them, then such question in dif-  
150 ference shall be referred by them to an umpire, to be  
151 chosen by the arbitrators before they proceed with the  
152 reference to them, and the joint and concurrent award of  
153 the arbitrators, or the separate award of the said umpire,  
154 when the said arbitrators cannot agree, shall be final and  
155 conclusive between the parties: *Provided*, That in case  
156 the United States shall take and appropriate any number  
157 of the steamships constituting said line, less than the  
158 whole, according to the provisions of this act, the steam-  
159 ships remaining in said line, shall continue to be employed  
160 in the transportation of the mails of the United States in

161 all respects upon the same terms, and shall receive the  
162 same rate of compensation for the services of each ship,  
163 that would have been received, if none of the vessels  
164 constituting said line had been taken and appropriated by  
165 the Government as aforesaid, and that their contract shall  
166 be extended six months for each and every vessel which  
167 shall be so taken from said line.

168       9. If any one or more of the steamships constructed  
169 for said line, and certified by the proper naval constructor  
170 to be completed according to the provisions of this act,  
171 shall be unavoidably wrecked or lost in the passage, from  
172 the place of construction, to the place of entering the  
173 service of said line, and in consequence of such loss, the  
174 contractors shall fail to complete either the monthly or  
175 semi-monthly line at the time stipulated in this act, or if  
176 one or more of said steamships shall be unavoidably  
177 wrecked or lost at any time after either of said lines shall  
178 have gone into operation, while engaged in the service  
179 according to the terms of this contract, such loss shall not  
180 operate as a forfeiture of this contract, but the contractors  
181 shall be allowed to replace the steamship or steamships  
182 so lost, at any time within three years from the time of  
183 such loss, and the remainder of the vessels, constituting  
184 either of said lines, shall continue to be employed in the  
185 transportation of the mails, at the same rate of compen-



186 sation for each ship, that they would have been entitled  
 187 to receive, if none of said vessels had been wrecked or  
 188 lost.

189       10   There shall be paid to the said contractors, so  
 190 long as they shall perform said services, in accordance  
 191 with the provisions of this act, the following sums in  
 192 equal quarterly payments, that is to say, for each and  
 193 every one of said steamships employed in the transporta-  
 194 tion of the mails in the monthly line, one hundred and  
 195 seventy-five thousand dollars per annum, and for each  
 196 and every one of said steamships employed in the semi-  
 197 monthly line, one hundred and fifty thousand dollars per  
 198 annum, the said payments to be made at the end of each  
 199 and every quarter: *Provided*, That no payment what-  
 200 ever shall be made to the said contractors, until after one  
 201 full quarter, or three months of time, shall have been  
 202 completed and elapsed after the said monthly line has  
 203 been commenced and continued in operation: *And pro-*  
 204 *vided further*, That under no circumstances shall any  
 205 advance of money or credit of the United States be made  
 206 to said contractors.

1       SEC. 2. *And be it further enacted*, That the contract  
 2 to be entered into in pursuance of this act, shall not be  
 3 transferred or assigned, without the consent of the Secre-

4 tary of the Navy and the Postmaster General ; all assign-  
5 ments or transfers of their interest, or any portion thereof,  
6 made by the said contractors without such consent, in  
7 writing, first being had, shall be absolutely null and void.